

66th LEGISLATURE—REGULAR SESSION

PROPOSED CONSTITUTIONAL AMENDMENTS—BANKS—
UNMANNED TELLER MACHINES

S. J. R. No. 35

Proposing a constitutional amendment permitting the legislature to authorize banks to use unmanned teller machines within the county or the city of their domicile on a shared basis to serve the public convenience.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI, Section 16, of the Texas Constitution be amended to read as follows:

"Sec. 16. Corporations with banking and discounting privileges

"(a) The Legislature shall by general laws, authorize the incorporation of corporate bodies with banking and discounting privileges, and shall provide for a system of State supervision, regulation and control of such bodies which will adequately protect and secure the depositors and creditors thereof.

"No such corporate body shall be chartered until all of the authorized capital stock has been subscribed and paid in full in cash. Except as may be permitted by the Legislature pursuant to Subsection (b) of this Section 16, such body corporate shall not be authorized to engage in business at more than one place which shall be designated in its charter.

"No foreign corporation, other than the national banks of the United States domiciled in this State, shall be permitted to exercise banking or discounting privileges in this State.

"(b) If it finds that the convenience of the public will be served thereby, the Legislature may authorize State and national banks to establish and operate unmanned teller machines within the county or city of their domicile. Such machines may perform all banking functions. Banks which are domiciled within a city lying in two or more counties may be permitted to establish and operate unmanned teller machines within both the city and the county of their domicile. The Legislature shall provide that a bank shall have the right to share in the use of these teller machines, not situated at a banking house, which are located within the county or the city of the bank's domicile, on a reasonable, nondiscriminatory basis, consistent with anti-trust laws. Banks may share the use of such machines within the county or city of their domicile with savings and loan associations and credit unions which are domiciled in the same county or city."

Sec. 2. Should the legislature enact legislation in anticipation of the adoption of this amendment, such law shall not be invalid because of its anticipatory character.

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1980, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting the legislature to authorize banks to use unmanned teller machines within the county or the city of their domicile on a shared basis to serve the public convenience."

Adopted by the Senate on May 9, 1979: Yeas 31, Nays 0; Senate concurred in House amendment on May 25, 1979: Yeas 31, Nays 0; adopted by the House, with amendment, on May 24, 1979: Yeas 116, Nays 13, five present not voting.

Filed without signature.

Filed with the Secretary of State, May 28, 1979.